THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26291 OF 2005

DATED:9.12.2005

Between:

Haripriya Apartments Flat Owners Association,

K.R.M.Colony, Seetammadhara, Visakhapatnam

Rep. by its Secretary, V.S.R.Murthy

…Petitioner

And

Municipal Corporation of Visakhapatnam

Visakhapatnam, rep. by its Commissioner

and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26291 OF 2005

ORDER:

Haripriya Apartments Flat Owners Association is aggrieved by the illegal construction; pent-house – by the second respondent in the premises bearing D.No.51-8-40/57, known as Haripriya Heaven Apartments Complex. The petitioner association made a representation to first respondent on 8.8.2005 requesting to take necessary action against the contravener of law, in vain. Therefore, present Writ Petition is filed.

After hearing the learned counsel for the petitioner and the learned Standing Counsel for Visakhapatnam Municipal Corporation, this Court is convinced that the first respondent could not take any action on the representation of the petitioner

presumably for the reason that the second respondent filed a suit being O.S.No.1576 of 2005 on the file of the Court II Additional Junior Civil Judge, Visakhapatnam. Therefore, liberty is given to the petitioner to get impleaded in the suit. Liberty is also given to first respondent to initiate action against second respondent immediately subject to further orders that may be passed by the Civil Court. If there is no order prohibiting the first respondent from taking action against second respondent, it shall be open to first respondent to take necessary action in accordance with Sections 452 and 461 of the Hyderabad Municipal Corporation Act, 1955.

The Writ Petition with the above observations is accordingly disposed of.

_____

(V.V.S.RAO, J)

9.12.2005

bnr